

RICHMOND'S HIGH RAILROAD RATES

Shippers Pay Extras Not Charged at Other Points.

MEMPHIS HAS NO SWITCHING FEE

In Fight Made by Chamber of Commerce Against Southern, S. A. L. and A. C. L. These Interesting Facts Are Disclosed by Railway Officials on Stand.

The fight for relief from what the Chamber of Commerce alleges to be discriminatory freight tariffs enforced against Richmond shippers by the local railroads began yesterday morning before Special Examiner G. F. Boyle of the Interstate Commerce Commission. The taking of evidence consumed all day. In the mass of testimony laboriously reduced to shorthand yesterday, the railroads made it clear that they looked upon the rates and regulations enforced at Richmond as wholly equitable and justified on the ground of business practice and morality.

The examination is being conducted in the United States District Court room, in the Federal building, Lincoln Green, freight traffic manager of the Southern, and L. E. Chalmers, general freight agent of the Seaboard Air Line, were the two witnesses examined at yesterday's hearing. At 5:45 o'clock Examiner Boyle adjourned the examination until 10 o'clock this morning.

Switching Charge the Trouble.

The case is the result of charges brought by the traffic bureau of the Chamber of Commerce that the local railroads, particularly the Southern, the Seaboard and the Atlantic Coast Line, were enforcing in this city a switching charge for a non-competitive point, which has to be transferred from the private or assigned sidings of industries located upon tracks of one company to the tracks of another.

Prior to November, 1909, the charge was not levied. The bill of complaint filed for a non-competitive point, which has to be transferred from the private or assigned sidings of industries located upon tracks of one company to the tracks of another.

The specific complaint is that the three roads named levy a switching charge of \$2 on every car of freight for a non-competitive point, which has to be transferred from the private or assigned sidings of industries located upon tracks of one company to the tracks of another.

The morning session was upturned entirely with the examination of Mr. Chalmers. The most pointed testimony, however, was furnished by Lincoln Green, who was on the stand all the afternoon. A searching examination of the witness was conducted for the Chamber of Commerce by Attorney W. A. Glasgow, Jr., of Philadelphia, and Charles D. Drayton, of Washington.

An additional charge for switching a car from a private or assigned siding on one railroad to the line of another held, Mr. Green, was abundantly justified by the additional service performed. "When this service is shipped, they have to pay to the expense of loading his freight at the station of the carrier company by wagon, he said, an operation which would entail an expense of far more than the \$2 switching charge that is levied."

Moreover, thought the witness, to convey such cars free of charge to a line which is to carry them to their destinations would be to discriminate against the shipper who does not have the advantage of a private siding, and who is compelled to dray all of his shipments to the freight station. It was certainly morally right, he insisted, to make an extra charge where an extra service is performed, and it was wrong not to do so.

Condemns Old Practice. Confronted by Mr. Glasgow with the question as to how the railroads justified themselves in making no charge for this service prior to 1909, Mr. Green replied that he could not answer that question, since he had no hand in making the rules then in force. It was unquestionably an indefensible practice, he thought, and in the light of morality and ordinary business justice ought no longer to be continued.

But while asserting his faith in the morality of the switching charge as applied to Richmond, Mr. Green acknowledged that the same moral considerations were waived by the railroad when competitive conditions rendered it expedient. Thus, he admitted, when pressed by Mr. Glasgow, that at Memphis, in the case of cars of the same class upon which switching charge is levied in Richmond, the Southern absorbs the charge in order to meet the other roads that follow the same practice. Asked why, if it was a matter of principle and morality, the Southern levies a charge in Richmond which it does not impose in Memphis, Mr. Green replied with the utmost candor:

"For the reason, Mr. Glasgow, that in Richmond we don't have to absorb the charge, while in Memphis we do. We have to do it there or lose business."

Based on Competition. As a general thing, stated Mr. Green, his road is enforcing the switching charge as a point of competition with other roads. Where there is competition it makes the same concession as offered by the other roads. In Richmond, for example, when freight is destined for a point reached by another Richmond road as well as its own lines, said Mr. Green, the Southern absorbs the charge of bringing the loaded cars to its own tracks from private sidings on other roads.

To the objections by counsel that at Charleston, Louisville and other points where the Southern is in competition with other roads, it enforces

UNION IS FAVORED

Conference Goes on Record for Amalgamation of Churches.

Minneapolis, May 8.—Commendation of the Methodist Episcopal Church of Valentin for his order directing that in government schools all insignia of any particular denomination be removed, and that those wearing a distinctive church mark lay such aside while in government schools, duties was taken in a resolution adopted by the quadrennial conference of the Methodist Episcopal Church in session here to-day.

Decided in work done by the conference to-day are the following items:

Adopted resolution preventing election to any office of the General Conference of any man who uses tobacco in any form.

Adopted the Rice resolution declaring that the Methodist Episcopal Church would prosecute mission work in so-called Roman and Greek Catholic countries despite the action of the Episcopal Missionary Conference at Edinburgh, which was on record as opposed to mission work by Protestant churches in such countries.

Went on record as favoring union of Methodist Episcopal churches and Methodist Episcopal Church, which was recommended by committee.

Ordered that each member of the church give to the church one-tenth of his income.

Bishop Thomas B. Neasey was attacked by a number of angry delegates of the South, who claimed that he had spent only a short time in the four years at his episcopal home in New Orleans.

The episcopal committee of the church, which has been holding executive sessions daily, and which politically is one of the principal bodies of the church in that it recommends the number of bishops to be elected, is said to be deadlocked in the number of bishops to be elected.

On the number which will retire to a great extent depends the number of new bishops to be chosen.

WITNESS CREATES SENSATION

Tells That He Was Instructed What to Testify to in Investigation.

New York, May 8.—The destruction of the evidence used before the grand jury in the case of the American Steel and Wire Company, one of the big subsidiaries of the United States Steel Corporation, was the principal subject of the testimony to-day in the federal court here. The destruction of the evidence was the subject of the testimony to-day in the federal court here.

The testimony to-day was given by Harry A. Whitney, until recently a sales agent at the Worcester, Mass., works of the American Steel and Wire Company, who asserted that he personally burned the evidence—a trunkful of minutes and other records of one of the pools in which the wire company, according to the testimony, participated.

Whitney created a sensation when he told of an alleged conversation that occurred between himself, Baackes and George W. Craig, Whitney's immediate superior in the company, who received the instructions to destroy the evidence from Frank Baackes, vice-president of the company, but when Judge Dickinson pressed him to give all the facts, he refused to do so.

As sworn to by the witness, the conversation raised the question as to whether Whitney had been instructed what to testify to.

Whitney was reluctant, apparently, to repeat the alleged conversation, but was finally pinned down to saying that Craig had said that he (Craig) had testified that he had given the order himself, and that Craig "wanted me to avoid saying Baackes gave the order."

Baackes has been subpoenaed as a witness in the pending suit.

DISCUSSING THE CHILDREN

Their Welfare Holds Attention of Sociological Congress.

Nashville, Tenn., May 8.—Dr. Owen Lovejoy, of New York, general secretary of the National Child Labor Committee, and Dr. Henry F. Cope, of Chicago, secretary of the Religious Education Association, were the chief speakers at the second general session of the Southern Sociological Congress to-night. Dr. Lovejoy spoke on "Child Labor and Compulsory Education," taking the position that society is under obligation to educate all children, regardless of the attitude of the parents, and should make it possible for all boys and girls to attend school.

Dr. Cope discussed the American public schools and decried the tendency to hold education in a rut and resist the advancement in the educational system necessary to prepare children for changed commercial and social conditions. The tendency to make all schools preparatory institutions for colleges were denounced and a plea was made for public schools which will directly train children of all ages to become earnest citizens.

Before the night landed Pitt the cabin mate who had been with him on the voyage was the American detective, and he was greatly surprised when apprehended as he touched Italian soil.

PITT IS UNDER ARREST

Alleged Embezzler Will Be Brought Back for Trial.

Naples, May 8.—Pembroke Wambles Pitt, who is wanted in Baltimore to answer to a charge of embezzlement, arrested here to-day while in the act of landing from the steamer Nigra, informed Consul William W. Hand that he will not oppose extradition to the United States, and that he is ready to leave by the first steamer bound for America.

The detective who tracked Pitt from New York to Spain and then through Egypt and into Greece, where he was caught, says the prisoner is penniless, but denies that he had expressed a willingness to return to America without a formal extradition.

Pitt shaved his beard, not knowing that the cabin mate who had been with him on the voyage was the American detective, and he was greatly surprised when apprehended as he touched Italian soil.

ARCHBOLD KNOWN AS SILENT PARTY

Jurist's Name Not Made Known in Business Deals.

WITNESS TELLS OF PARTNERSHIP

One Firm Which Refused to Discount Note Later Lost Its Case Before Commerce Court—Committee Hears Evidence on Grave Charges of Irregularity.

Washington, May 8.—Charges against Judge Robert W. Archbald, of the Commerce Court, were unfolded to-day before the House Committee on Judiciary, which is to determine if impeachment proceedings shall be brought against the jurist.

How Judge Archbald, in partnership with Edward J. Williams, a Scranton coal dealer, while deliberating as a judge on the "lighterage cases," to which the Erie Railroad was a party, is alleged to have negotiated an option from that railroad for 42,000 tons of Culin Bank property, to be sold at a \$12,000 profit, was related to the committee by Williams himself.

Judge Archbald, accompanied by his two sons and his counsel, A. S. Worthington, heard the testimony and only looked at the photographic copies of letters Archbald had written to one of them a letter in which the judge told of his connection with the Culin Bank negotiations in his own words.

Tells of Another Deal. In addition to that transaction, Williams told of another deal in which he and Judge Archbald acquired an interest with him in an option on 1,000,000 acres of Venezuelan timber land, for which the judge gave a note for \$500.

Williams tried to discount this note with C. J. and W. P. Boland, of the Marion Coal Company, of Scranton, who at that time had a case pending before Judge Archbald in the Federal Court. The Bolands refused to discount the note, and later lost their case. Williams admitted telling W. P. Boland that if he had discounted Judge Archbald's note the case might have been made differently, but he denied that he had made such a remark to the Bolands.

The testimony relating to the Culin Bank transaction included reference to an assignment by Williams of an interest in the option secured to W. P. Boland, and a "silent party" whom he admitted under examination was Judge Archbald. When asked why Judge Archbald had been referred to as a "silent party," Williams said he thought it was not lawful for a jurist's name to be used in such transactions.

Williams related how the option on the Culin Bank property was negotiated with officers of the Erie Railroad, and told how a sale of the property was negotiated, and that he and Judge Archbald agreed to divide the profits. Judge Archbald, during the negotiations with the Erie, told him that the lighterage was to be his, and he gave him a letter to Mr. May, of the Erie, and also told him that he would see the general counsel for the Erie, Mr. Brownell, about the option.

Decides on the Option. How the option was given thereafter and a deal to sell the property at a \$12,000 profit, later frustrated, to the Lackawanna and Wyoming Railroad Company, was described by the witness in detail.

Another transaction, which the committee did not get to, but will inquire into when the hearing is resumed Friday, involved a later transaction for other Culin Bank property, in which Judge Archbald, during the negotiations with the Erie, told him that the lighterage was to be his, and he gave him a letter to Mr. May, of the Erie, and also told him that he would see the general counsel for the Erie, Mr. Brownell, about the option.

When the first witness was called to the stand and told of the transaction involving Judge Archbald's note for \$500, and the case in his court in which the Bolands were interested, Judge Archbald produced a photographic copy of a letter signed by Williams, in which he had said he told W. P. Boland the letter would not have decided the case against them. The letter was read to Williams, and he said dramatically:

"I can swear before God that those words never came from me."

"Did you sign this letter?" asked the chairman.

"Yes, that is my signature, but I signed it without looking at it. I did not know those words were there."

Williams told of being in Washington and of Judge Archbald telling him that the Erie Railroad lighterage cases were then before the Commerce Court. Judge Archbald showed him the briefs, he said.

In the assignment of the Culin which was introduced in evidence, a "silent party" was mentioned.

"Who was the 'silent party' mentioned in the assignment?" asked Chairman Clayton.

"Judge Archbald,"

"What was he to do?"

"He drew up the papers."

GETTYSBURG HELD SCENE OF REUNION

There, After Fifty Years, Blue and Gray Will Meet.

SOUTH ACCEPTS THE INVITATION

Confederate Veterans Will Join in Celebration Despite Adverse Action of Committee—General Bennett H. Young Will Be Elected Commander-in-Chief.

Macon, Ga., May 8.—The choosing of Chattanooga, Tenn., as the reunion city for 1912, the unanimous, enthusiastic acceptance of the invitation of General Trimble, commander-in-chief of the Grand Army of the Republic, to merge the Blue and the Gray in a celebration at Gettysburg in July, 1912, the crowning of Miss Mary Scandrett, of Macon, as queen of the 1912 reunion, and a Georgia sun melting mellowly over the city walls, featured the third day of the twenty-second annual reunion of the Confederate veterans in Macon to-day.

All in readiness for the two big features of to-morrow, the election of a commander-in-chief to succeed the late General George W. Gordon and the parade of the long line of gray that will file through the wide and narrow streets of Macon in the annual march of old and feeble men who fought for the Confederacy.

Victory Is Sweeping. Chattanooga's success in the fight for the 1912 reunion was a sweeping victory over both Jacksonville and San Antonio, and came at the close of a rather stormy session, although the progress of the convention was not altogether unimpeded.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

Half a dozen bands, recruited from Oklahoma to Florida, surrounded the delegates and the queen and her ladies, and as the parade drew on, the cheering of the thousands of people who gathered to witness the coronation of Miss Mary Scandrett.

TAFT IS BATTLING FOR NATIVE STATE

Spectacular and Strenuous Campaign Is Planned.

HIS TRAIN LEAVES LABYRINTH TRAIL

Entering Ohio Monday Morning, He Will Travel More Than 1,000 Miles and Make Seventy-Five Speeches—Colonel Roosevelt to Be Attacked Along New Lines.

Columbus, O., May 8.—Plans for President Taft's swing through Ohio next week, made public here to-night, indicate that Mr. Taft intends to make a spectacular and strenuous fight to control the State's forty-eight delegates to the Republican National Convention.

Entering Ohio next Monday morning at Marietta, the President will speak at practically every city and town of over 5,000 inhabitants that he will visit. The President will travel more than 1,000 miles, and will be accompanied by a special train, leaving Cincinnati to travel across the State from the Ohio River to the Indiana State line and from Cincinnati to Lake Erie.

Estimates to-night were that he would speak at least seventy-five times.

The President is expected to find some new subjects on which to continue his attacks on Colonel Roosevelt. Friends of the President believe the developments of the next week will be of great importance to Mr. Taft, and every effort is being made to have the trip successful.

Altogether, President Taft made seven speeches during the day. He swung east and south clear across the State from Cincinnati to Ironton, and then west and north to Columbus, stopping at Oakhill, Jackson, Wellston, Logan and Lancaster. His fellow-Ohioans turned out in good numbers and listened attentively to his arguments.

President Taft in a speech to-night charged that Colonel Roosevelt's campaign manager, Senator Dixon, of Montana, and their friends in the Senate were responsible for the "emasculated" action of the arbitration treaties with Great Britain and France, and that in consequence of their action the peace was so changed as to be of doubtful utility.

"For some reason unknown to my puzzle-brained brain," said the President, "Mr. Roosevelt opposed these treaties, and by those men who supported that opposition his manager, Mr. Dixon, and the Democratic votes against these treaties were so emasculated that it is difficult to see whether they contain anything of value which ought to be ratified into a treaty."

Mr. Taft openly accused Mr. Roosevelt of misrepresentation and misstatement, and said that many actions for which his predecessor now criticized him he had been influenced by Mr. Roosevelt's advice, and asked the people of Ohio to give him a square deal.

The President dwelt at length on the Roosevelt charges that he was the friend of the boss and the tool of the trusts and special interests. He pointed out the failure of the Roosevelt administration to prosecute the steel trust and the harvest trust, and contrasted that with the attitude of his own administration, which has filed suits against both.

"I am not criticizing," declared the President, "I would like to know how many bodies of dead bosses were strewn along the path of Theodore Roosevelt when he was seven years President of the United States. I don't criticize him for that; it was not his fault. He was a good man, and a sword cutting off the heads of dragons like that."

PLANAINED AT SOUTH

Basin of Representation to Republican Convention May Be Changed.

New York, May 8.—The Republican national committee will meet in Chicago Thursday afternoon at 2 o'clock, June 6, to decide contests among the delegates to the Republican national convention. The call for the meeting was issued to-day by William Hayward, secretary of the committee. This will be the earliest meeting held for many years by the committee, and will give it twelve days to consider contests before the convention opens on June 18.

Indications that there will be an unusual number of contests this year, Mr. Hayward said, had been considered by Victor Rosewater, the committee's acting chairman, and himself in sending out the call for the early meeting of the committee. A few contests already have been brought officially before the committee's officers, and many more are expected, he said, before the expiration of the time limit for filing contests on May 29, twenty days before the convention.

Mr. Hayward also said that he would place before the committee a plan upon which he had been working for some time that will effect the representation of the South in Republican national conventions.

The principal objection to plans previously suggested, he said, was the elimination of the congressional district as the unit of representation. The plan he would submit to the committee would change the basis of representation, he said, and still retain the congressional district as the unit.

"What we want to do, if possible," Mr. Hayward said, "is to get the committee together early enough to have sufficient time to consider these con-

(Continued on Eighth Page.)

FATE HANGS IN BALANCE

Not Believed Governor Will Save Richeson From Death.

Boston, May 8.—The fate of Clarence V. T. Richeson, sentenced to death in the week beginning next Monday, still hangs in the balance. The plea for commutation of sentence was not taken up to-day, as expected, by the Governor's council, which has the matter in hand. Edward Hamlin, executive secretary of the council, made a statement after the Executive Council adjourned to-day, in which he said: "The opinion among the members of the Executive Council as a result of to-day's meeting is that Governor Foss will take no action whatever on the Richeson matter."

Two alienists whom the Governor has employed to examine the prisoner are yet to report, but the chances are very slight that the condemned man will receive further consideration. To-morrow, according to law, Richeson will be taken from the county jail, where he has been all winter, to the State's prison in Charlestown. There he will be placed in one of the death cells, and a death watch will be kept.

The electrocution is to take place, in all probability, early in the morning of Tuesday, May 14.

Attorney Morse is much cast down by the Governor's attitude to-day, but has not yet abandoned hope of securing a commutation for his client. Mr. Morse denies reports that appear from time to time that Richeson is near a lapse. The prisoner's sister, who is a nurse in New York City, returned home after her unavailing interview with the Governor. His aged father is waiting to come from Lynchburg, Va., to plead in case opportunity is offered.

Smoot Denies Story. Washington, May 8.—Senator Smoot, of Utah, to-day gave out a statement in which he denied that the Rev. Clarence V. T. Richeson, of Boston, a member of the Mormon Church, Senator Smoot said.

"The statement of Mrs. Louise M. Brittain that Clarence V. T. Richeson is an elder in the Mormon Church is a malicious falsehood. Richeson is not, nor has he been, an elder, or even a member, of the Mormon Church. I am informed that Mrs. Brittain was excommunicated from the church a few years ago. A desire to injure and cast reflections upon the Mormon Church undoubtedly the reason for her statement."

WITHIN ITS RIGHTS

War Department May Seize Cars Whenever It Thinks Best.

Washington, May 8.—The War Department has the right, under the Interstate Commerce law, to seize such railroad cars as it may need to transport troops wherever it considers necessary, whether war has been declared or not.

This significant bit of information, which has lain undiscovered by the laymen's eye ever since the passage of the interstate commerce act, was brought to light to-day by officials of the War Department in defense of the seizure of a number of box cars at Fort D. A. Russell two days ago by the commander of the post. While department officials here would not admit that the cars had been commandeered on orders from Washington, they maintained that the department and its agents had the right to seize such cars for the transportation of troops wherever and whenever it was needed.

Therefore, it is generally thought here that the seizure of the cars at Fort D. A. Russell was merely a step preliminary to the dispatching of soldiers to the Texas border, a movement which would mean the beginning of preparation to cross the Rio Grande.

Dispatches from Mexico to-night, however, indicate a more peaceful and quiet situation throughout the Republic than has existed for a fortnight. The Mexican government, under Emilio Gomez, the self-styled Provisional President of Mexico, by General Orozco, the rebel leader, the republic is reported quiescent, and no further orders have been issued to American troops with reference to an advance on the border.

Ambassador Calero, the new representative of the Maderist administration, presented his credentials to Acting Secretary of State Huntington Wilson here after noon, and will be formally received by President Taft on Sunday.

KANSAS FOR THE COLONEL

State Convention Instructs Its Delegates for Him.

Independence, Kan., May 8.—Adopting resolutions favoring the entire progressive movement, the Republican State Convention to-day named Col. William Allen White, of Emporia, as its delegate-at-large to the national convention and instructed them for Roosevelt.

William Allen White, of Emporia, was endorsed for national committee man by the convention. The Taft strength in the convention was 164, the Roosevelt strength 790.

When the resolutions committee reported its report endorsing the record of Senator La Follette, the candidacy of Mr. White for national committee man to succeed David W. Mulvane, secretary of the committee, delegates-at-large to vote for Roosevelt, Stephen Walker, of Columbus, a Taft delegate, moved that that portion of the resolution endorsing Senator La Follette be cancelled, and that Mr. Mulvane be endorsed for national committee man, and that the convention instruct the delegates to vote for Taft.

Walker's motion was lost, 790 to 164, and the report of the resolutions committee was adopted as read.

Mr. Harvey C. Shawnee, former Lieutenant-Governor of Kansas, and a Taft delegate, in a speech to the convention, said:

"When President Taft is renominated at Chicago I ask you fellows who have defeated us to-day to get out and work and vote for him."

"No, no, we won't shout a delegate. And the uproar that followed Governor Stubbs' manager to make the convention a party to the fight will fix that matter up for Roosevelt when we nominate Roosevelt," he said.

VICTORY IS DECISIVE

Oscar Underwood Wins Easily Over Wilson in Mississippi.

Jackson, Miss., May 8.—Oscar W. Underwood, Miss., May 8.—Oscar W. Underwood won a decisive majority in the Democratic presidential primary held in Mississippi Tuesday.

Not more than 25 per cent. of the registered vote was polled. A spirit of apathy was manifest throughout the State, except in the few towns and counties where the officers and party district delegates to the Baltimore convention.

DEFENSE SEEKS TO SHOW SHERIFF FIRED FIRST SHOT

Contention Not Supported by Its First Witnesses.

BRIEF SESSION OF COURT HELD

Juror Testifies That Webb Advanced on Floyd Allen, but Admits He Did Not Fire Until After Shots Came From Another Part of Room.

Wytheville, Va., May 8.—The defense of Floyd Allen, first of the Hillville courthouse assassins to face the bar, got well into its case before court adjourned to-day, and began awaiting witnesses to support the theory that the first shooting came from the court officials into town and shot Judge Massey, Prosecutor Foster, Sheriff Webb, a juror and a bystander.

Two of these witnesses were jurors who sat on Allen's trial, to which the courthouse murders came as a shocking climax. One swore he believed the first shots came from the court officers, and the other that he had seen Sheriff Webb fire at Allen. On cross-examination, however, one admitted that the first shots came from Sheriff Webb, and the other admitted that he did not hear well and could not locate sounds definitely. One of the witnesses put on to impeach testimony offered by the prosecution, admitted under cross-examination that he saw Sidsa Allen, 880, Sidsa Allen is the accredited leader of the Allen gang, and, with his nephew, Edwards, is somewhere in the Blue Ridge, and the witnesses who hunt him for the courthouse shooting. These two men have been at large nearly two months, and all efforts to their capture have been fruitless.

When court adjourned to-day seven witnesses had been examined by the defense. Probably forty will be sworn. One testified that Bird Marion, an indicted member of the gang, was waiting for the murder, was not in the courthouse when the shooting took place, and that Victor Allen left the court room before it began.

By ALEXANDER FORWARD.

Wytheville, Va., May 8.—In its brief presentation of opening evidence to-day the defense in the trial of Floyd Allen for the murder of William M. Foster endeavored to show that Sheriff I. F. Webb fired the first shot in the courthouse shooting in Carroll county on March 14. It was apparent in view of the short day's session, it was only desired to occupy the time with witnesses not regarded as especially important. Judge Staples adjourned court at 1:30 o'clock to keep an engagement in Piquette, where he held a short term.

Two of the jurors in the trial of Floyd Allen, which culminated so tragically, were put on the stand by the defense, apparently because the prosecution had failed to call them in all of these jurors had been tested to this time. One is dead, and the other seems not to be here.

Webb Did Not Fire—First. John W. Farris, jurymen, testified to-day that he thought Sheriff Webb "threw up his gun and fired," but on cross-examination he said that this occurred after a couple of shots had been fired from the northeast corner of the courtroom, where Sidsa Allen and Claude Allen were standing. The sheriff's action, the witness also stated, was after the time when the prisoner leaped to his feet with the announcement that he would not go to jail.

The remaining jurymen, W. P. Harris, is seventy-two years old. He cannot hear well, and said he could not locate sound with any accuracy. He was under the impression that the first shot came from the northeast corner of the courtroom, where the officers were standing. Cross-examined, he would not undertake to say where the shots came from, in view of his defective hearing. Other defense witnesses were introduced to show that Victor Allen and Bird Marion had no part in the shooting.

All witnesses for the prosecution who saw the shooting have located the first shot from the pistol of Sidsa Allen or of Claude Allen.

The Commonwealth rested its direct case to-day. There are some witnesses for the prosecution, who are to be put on the stand in rebuttal, then summoned from Carroll for the more are due to arrive. It seems to be the general impression that the week will end with all the testimony in.

Juror Greek R. James is affected with some sort of face trouble. His cheek bone itches to a maddening degree. He saw a